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December 5, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Washington, DC 20554

Re: *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands* – WT Docket No. 03-66

– WRITTEN EX PARTE COMMUNICATION

Dear Ms. Dortch:

On behalf of **Franciscan Canticle, Inc.,** I am writing to urge that, if the Commission reinstates any limit on the maximum term of Educational Broadcast Service ("EBS") leases in response to petitions for reconsideration pending in the above-referenced proceeding, it establish thirty years as the maximum lease term.

Franciscan Canticle, Inc. is the licensee of EBS station **WLX814** in **Victorville, CA.** Since the Commission moved earlier this year from its former EBS leasing rules to those adopted in the *Secondary Markets* proceeding (thereby eliminating the former fifteen year maximum EBS excess capacity lease term), we have negotiated and entered into a new *de facto* transfer lease that extends beyond fifteen years. During the course of our negotiations, we were presented with the option to lease for only fifteen years. However, Sprint offered to pay substantially more for a longer lease, which is hardly surprising given that a long-term lease provides Sprint with greater certainty and renders our leased EBS spectrum as an attractive option versus other bands that Sprint could acquire in its own name. We took advantage of that opportunity. We believe that by leasing for longer than fifteen years, we have substantially advanced our educational mission. Our leasing agreement assures us access to sufficient spectrum to meet our anticipated needs during this time, while the larger financial payments we realized by entering into a long-term lease will reap significant educational benefits for our constituents. Thus, for us and for Sprint, the Commission's decision to permit leasing for greater than fifteen years yielded a "win-win" opportunity.

Certainly, not all EBS licensees will be in the same position, and the FCC should afford all EBS licensees the option of leasing for fifteen years or even less. However, it is the local EBS licensee that is best able to balance the costs and benefits of leasing excess capacity for more than fifteen years. Thus we urge the Commission, if it decides to depart from the *Secondary Markets* rules, to afford those EBS licensees and lessees who so desire the flexibility to lease EBS excess capacity for terms of up to thirty years.

Respectfully submitted,

Father Edward Anthony

Father Edward Anthony
Franciscan Canticle, Inc.